

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Masahiro Yamashita, *et al.*
Application No.: 10/566,218 Confirmation No: 3497
Filed: January 27, 2006
For: ELECTROLYTE MEMBRANE-ELECTRODE ASSEMBLY, FUEL
CELL USING THE SAME, AND METHOD FOR PRODUCING
ELECTROLYTE MEMBRANE-ELECTRODE ASSEMBLY

Group Art Unit: 1795 Examiner: YANCHUK, Stephen J.
Customer No.: 23838

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Restriction Requirement mailed April 3, 2009, Applicants elect Group II, claims 3-7 and 13-15, with traverse. There is unity of invention between Groups I, II, III, and IV because applicants will show that the technical feature of claim 1 is not taught by McGrath (WO 02/25764) in a response to an Office Action.

Claim 1 is not included in any of Groups I-IV in the Restriction Requirement. Applicants respectfully request that the Examiner indicate whether claim 1 will be examined.

If the filing of this paper is deemed not timely, applicants petition for an appropriate extension of time. The petition fee, and any other fees that may be required in relation to this paper, can be charged to Deposit Account 11-0600.

Respectfully submitted,
KENYON & KENYON LLP

Dated: April 27, 2009

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